



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,769	07/01/2003	Christopher Che	021756-017600US	4994

51206 7590 12/04/2007  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
----------

MYINT, DENNIS Y

ART UNIT	PAPER NUMBER
----------	--------------

2162

MAIL DATE	DELIVERY MODE
-----------	---------------

12/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

AK

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,769	CHE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dennis Myint	2162	

All participants (applicant, applicant's representative, PTO personnel):

(1) Dennis Myint(Examiner).

(3) Naya Chatterjee-Marathe (Applicant's Rep.).

(2) Cam Y. Truong (Primary Examiner).

(4) \_\_\_\_\_.

Date of Interview: 28 November 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Barrick, Chen and Dutta.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

On November 28, 2007, Applicant's Representative, Naya Chatterjee-Marath, initiated a telephonic interview. Applicant presented that the prior art (Barrick, Chen and Dutta) does not teach the limitations of claim 1. Examiner pointed out that, as claim 1 currently stands, said prior teaches all the limitations of claim 1 and advised Applicant's Representative to amend the claim to render the claim language and limitations clearer. Applicant Representative replied that appropriate amendments would be made to better reflect the claimed invention.



Dennis Myint  
Examiner  
AU-2162.

Atty Docket No. 021756-017600US

PTO FAX NO.: 571-273-5629

ATTENTION: Examiner Dennis Y. Myint

Group Art Unit 2162

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Dennis Y. Myint**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of Christopher Che et al., Application No. 10/612,769, filed July 1, 2003 for SYSTEM AND METHOD FOR ASSEMBLING TIMING DATA IN A MULTI-LAYER SERVER ENVIRONMENT are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Applicant Initiated Interview Request Form (1 page)

Number of pages being transmitted, including this page: 2

Dated: November 16, 2007

  
Peggy Smiley

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400  
Fax: 650-326-2422  
4177

61212229 v1

### Applicant Initiated Interview Request Form

Application No.: 10/612,769 First Named Applicant: Christopher Che  
 Examiner: Myint, Dennis Y Art Unit: 2165 Status of Application: Pending

**Tentative Participants:**

(1) Atty: Naya Chatterjee-Marathe (2) Examiner: Dennis Myint

Proposed Date of Interview: Wed, Nov. 21, 2007 Proposed Time: 1:30 Eastern (AM/PM)  
 (10:30am Pacific)

**Type of Interview Requested:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO  
 If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
103 <u>Rejection</u>	1, 13	Barrick & <u>Chen</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

1. The combination of Barrick and Chen do not teach "generating a second HTML based request... including the times of generation, arrival times, departure times, and time of display for the first HTML based request and HTML based response" as recited in claim 1. The office action asserts that the method of Barrick and Chen "repeats the whole process to generate a second HTML request" that includes the times of generation, arrival, etc. of the previous HTML request. (Office Action, p. 4). Applicants were not able to locate such a teaching. Any new HTML request of Barrick would only include the delta times of that new HTML request, and would not include the times of generation, arrival, etc. for the previous HTML request.

2. Likewise, Chen teaches that, at node 1, the time the cell enters the node is recorded in the Timestamp field. Then at node 2, a new time in is recorded in the Timestamp field. There is no mention of the times of generation, arrival times, etc. for the first HTML request and response.

3. Additionally, the references do not teach storing the times of generation, arrival times, etc. of the first HTML based response and request within the request-response cycle of the second HTML request, as recited in claim 1. The office action asserts that Barrick teaches storing, but makes no mention of storing results of the first HTML request and response during the cycle of the second HTML request. Barrick teaches storing the download time of the first HTTP request and response after the request-response cycle of the first HTML request. Neither does Chen teach this feature.

An interview was conducted on the above-identified application on \_\_\_\_\_.

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/ Naya Chatterjee-Marathe/  
 Applicant/Applicant's Representative Signature

\_\_\_\_\_  
 Examiner/SPE Signature

Naya Chatterjee-Marathe  
 Typed/Printed Name of Applicant or Representative

54,680  
 Registration Number, if applicable